

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

TARA LAWRENCE,

Plaintiff,

v.

BRAD LOHREY, et al,

Defendants.

No. CV 06-1268-MO

OPINION AND ORDER

**MOSMAN, J.,**

On April 13, 2007, I ruled on defendants' motion for summary judgment (#14), taking several issues under advisement. I now address those issues.

Defendants' motion as to plaintiff's 42 U.S.C. § 1985(3) claims is GRANTED. Not only has plaintiff provided little to no evidence that defendants were motivated to deprive her of equal protection under the law because she was a woman, but she also has failed to show an underlying protected constitutional interest in not being subject to a recall election.

Defendants' motion as to plaintiff's 42 U.S.C. § 1983 Fourth Amendment claim is DENIED. Viewing the record in a light most favorable to plaintiff, genuine issues of material fact exist as to whether defendants trespassed plaintiff's office and gained access, remote or otherwise, to her office computer. As to plaintiff's § 1983 Fourteenth Amendment claim, defendants' motion is GRANTED. Plaintiff has no cognizable liberty interest in her job as an elected county district attorney when the voters of that county recalled her from that position.

Defendants' motion as to county liability under § 1983 is DENIED. Again, under summary judgment standards, genuine issues exist as to whether defendant Lohrey, as a policy maker, had a policy permitting the trespass of plaintiff's office and the access of her office computer by his deputies, Brad Beavers, or himself.

Additionally, I grant plaintiff's motion for leave to file an amended complaint (#66). Based on my ruling above, plaintiff is granted leave to add Mr. Beavers as a named defendant to her second count—her § 1983 Fourth Amendment claim.

IT IS SO ORDERED.

DATED this 31st day of May, 2007.

/s/ Michael W Mosman  
MICHAEL W. MOSMAN  
United States District Court